

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

MARIANA MOTA and HECTOR J. MOTA,

Plaintiffs,

-against-

ARMELLINI EXPRESS LINES and  
DANIEL W. HUE,

Defendants.

X

CIVIL ACTION  
1:22-CV-02807-SN

NOTICE OF MOTION TO  
PRECLUDE & SUMMARY  
JUDGMENT ON LIABILITY  
& STRIKE DEFENSES  
FRCP 37 and FRCP 56

PLEASE TAKE NOTICE that the Plaintiffs MARIANA MOTA and  
HECTOR J. MOTA by their counsel OMRANI & TAUB, P.C. respectfully  
request that the Court:

1. Pursuant to FRCP 37 preclude the defendants ARMELLINI  
EXPRESS LINES and DANIEL W. HUE from offering testimony or evidence at  
the time of trial on the question of liability based upon their failure to appear at  
depositions; and
2. Pursuant to FRCP 56, upon such preclusion grant summary judgment  
on the question of liability in favor of the plaintiffs since there are no genuine  
disputes as to any material fact and the movant is entitled to judgment as a matter  
of law; and

3. Strike and dismiss any affirmative defenses raised sounding in “comparative fault” or failure to use available seat belts; and
4. Set this matter down for a trial on issues concerning damages only; and
5. Grant such other and further relief as to this Court may seem just and proper.

In support of this motion, the plaintiffs by counsel submit the Declaration/Affirmation of James L. Forde, Esq. with Exhibits “1” through “17” and accompanied by a Memorandum of Law.

Dated: New York, New York  
October 21, 2024

*James L. Forde, Esq.*  
James L. Forde, Esq.  
JLF9684  
OMRANI & TAUB, P.C.  
488 Madison Avenue - 20th Flr.  
New York, New York 10022  
(212) 714-1515  
[jforde@omraniandtaub.com](mailto:jforde@omraniandtaub.com)

TO: Law Offices of LORNE M. REITER, LLC  
*Attorneys for Defendants HUE and*  
*ARMELLINI EXPRESS*  
14 Wall Street - 20th Floor  
New York, New York 10005  
(212) 222-0955